

Notice of Allowability

Application No.

10/755,021

Applicant(s)

COLTEN, STEVEN K.

Examiner

Andrea M. Valenti

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3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10 August 2005.
2. ☒ The allowed claim(s) is/are 1-3 and 5-24.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☒ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- ☐ Notice of Informal Patent Application (PTO-152)
- ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
- ☒ Examiner's Amendment/Comment
- ☒ Examiner's Statement of Reasons for Allowance
- ☐ Other _____

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee. Authorization for this examiner's amendment was given in a telephone interview with Pam Bertani on 20 October 2005.

The application has been amended as follows:

Claim 1, section d), line 3-7, "platform supported by a base, support panels extending up from said base, and a ramp operatively coupled to said base by grooves located on said base, panels and ramp which are fixed together into complementary edges of said base, panels and ramp to create a defined, enclosed waste storage area and an article storage area, with said bottom of said waste receptacle being located lower than said bottom surface of the litter box."

Was changed to --platform supported by a horizontal base with at least two platform support panels extending up from said base to define an enclosed article storage area, an upwardly extending frame on a top surface of said platform to help keep the litter box in place, and a ramp operatively coupled to a horizontal extension of said base by grooves located on said extension, at least two ramp support panels extend up from said extension, said ramp support panels and said ramp create a defined, enclosed waste storage area with said bottom of said waste receptacle being located between said ramp and said extension with potential expansion into said article storage area and being located lower than said bottom surface of the litter box.--

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Claim 2, line 2, "a top surface" was changed to --said top surface--

Claim 8, line 2, "an extension" was changed to --said extension--

Claim 13, section a), line 3, "litter box system is placed on said platform;" was changed to --litter box system is placed on said platform, and an upwardly extending frame on a top surface of said platform to help keep the litter box in place;--

Claim 13, section c), line 1, "an animal access ramp connected to" was changed to --an animal access ramp and at least two ramp support panels connected to--

Claim 13, section c) line 4, "litter box system when said system is placed on top of said platform;" was changed to --litter box system when said system is placed on top of said platform, said access ramp operatively retained by a groove in a horizontal extension of a horizontal base;--

Claim 13, section d), line 1, "a base having" was changed to --said horizontal base having--

Claim 13, section e), line 11, "receptacle of said automated litter box system." Was changed to --receptacle of said automated litter box system, said waste receptacle being located between said access ramp and said horizontal extension of said base with potential expansion into an area beneath said platform.--

Claim 18, line 1, "includes an" was changed to --includes said—

Claim 23, line 6-7, "a conveyance element to provide pet access from a floor to said platform; and means for joining said conveyance element with said platform;" was

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changed to -- a ramp element to provide pet access from a floor to said platform; and means for joining said ramp element with said platform;--

Claim 23, line 12, "owner to maintain the litter box in a sanitary manner." Was changed to --owner to maintain the litter box in a sanitary manner; said support members include: a horizontal base having opposed extremities with groove means disposed thereon; a pair of platform support panels each having an extremity with means complementary to said groove means for fixing said support panels in static relationship to said base; an elevated platform having groove means in operative relationship with said platform support panels at extremities remote from said base, said elevated platform having a bottom surface and a top surface provided with and upwardly extending frame means dimensioned to fixedly secure the litter box during operation, one said platform support panel having an exterior surface remote from said other platform support panel provided with groove means operatively coupled to a ramp means, said ramp means including at least two ramp support panels and an underlying horizontal ramp base extension, said ramp support panels operatively inserted into groove means in said base extension and on the platform support panel, said ramp being fixed on said ramp support panels and said base extension; and said waste storage container being located between said ramp and said base extension with potential expansion into an area beneath said elevated platform.--

Claim 25 was cancelled

Allowable Subject Matter

Claims 1-3 and 5-24 are allowed.

The following is an examiner's statement of reasons for allowance:

Cited references U.S. Patent Pub. No. 2002/0069830 A1; U.S. Patent No. 4,886,014; U.S. Patent No. 5,226,388; U.S. Patent No. 5,544,620 A; U.S. Patent No. 3,828,733; European Patent EP 097242 A1; French Patent FR 2693349 A1; U.S. Patent Pub. No. US 2004/0079291 A1; U.S. Patent Pub. No. US 2003/0217700 A1; U.S. Patent No. 6,126,015; U.S. Patent No. 5,279,258; U.S. Patent No. 3,482,546; U.S. Patent No. 3,735,735; U.S. Patent No. 5,329,878; U.S. Patent No. 6,418,880; U.S. Patent No. 5,394,835; U.S. Patent No. 5,803,016; U.S. Patent No. 5,329,879; U.S. Patent No. 6,205,954; U.S. Patent No. 6,701,868 teach litter boxes with ramps, elevated litter boxes, litter boxes with waste storage receptacles with lids, and litter boxes with automatic raking for removing waste.

The prior art of record all fails to show, and fails to make obvious, either alone and/or in combination an elevated platform supported by a horizontal base with at least two platform support panels extending up from said base to define an enclosed article storage area, an upwardly extending frame on a top surface of said platform to help keep the litter box in place, and a ramp operatively coupled to a horizontal extension of said base by grooves located on said extension, at least two ramp support panels extend up from said extension, said ramp support panels and said ramp create a

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defined, enclosed waste storage area with said bottom of said waste receptacle being located between said ramp and said extension with potential expansion into said article storage area and being located lower than said bottom surface of the litter box.

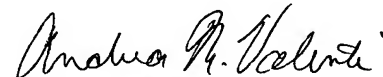
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea M. Valenti whose telephone number is 571-272-6895. The examiner can normally be reached on 7:00am-5:30pm M-Th.

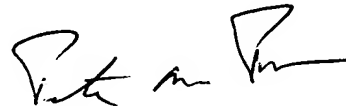
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 571-272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Andrea M. Valenti
Patent Examiner
Art Unit 3643

20 October 2005


Peter M. Poon
Supervisory Patent Examiner
Technology Center 3600

10/27/05